

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

WP.No.2053 of 2020

and

WMP.No.2394 of 2020

S.Ashokan

.. Petitioner

- Vs -

1. The Joint Registrar/The Chairman,
District Recruitment Bureau,
Prambalur Region,
Perambalur District.
2. The Deputy Registrar of Co-Operative Societies,
Perambalur Circle,
Perambalur District.
3. R 1226 Kurumbalur Primary Agricultural
Cooperative Credit Society Ltd.,
Rep. by its President
Kurumbalur,
Perambalur Taluk & District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the third respondent to give posting order to the petitioner as packer pursuant to the order passed by the first respondent in Na.Ka.1200/2017/PDS dated 30.09.2019 or to be given posting order to any other fair price shop run by the Societies under the control of the respondents 1 & 2.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mr.D.Venkatachalam

Additional Government Pleader
for R1 & R2
R3-No Appearance

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the third respondent to give posting to the petitioner as Packer pursuant to the orders passed by the first respondent in his proceedings dated 30.09.2019.

2. The case of the petitioner is that the third respondent-Society had sought for appointment of four Packers in the PDS Shops. Pursuant to the said request, the first respondent had called for applications and had selected four persons and the selection list was sent to the third respondent. The third respondent, on receipt of the list sent by the first respondent, has to issue appointment orders under the Tamil Nadu Co-Operative Societies Rules.

3. The grievance of the petitioner is that the third respondent-Society had issued only two appointment orders and insofar as the petitioner is concerned, no appointment order was issued and it was kept pending. Left with no other option, the petitioner has approached this Court seeking for appropriate directions to the third respondent.

4. This Court had issued notice to the third respondent and also permitted the learned counsel for the petitioner to take private notice and the third respondent has been served with the private notice and Proof of service has also been filed before this Court. In spite of service, the third respondent has not chosen to enter appearance before this Court.

5. Heard Mr.M.S.Palaniswamy, learned counsel appearing on behalf of the petitioner and Mr.D.Venkatachalam, learned Additional Government Pleader appearing on behalf of the respondents 1 and 2.

6. There is absolutely no dispute on facts in the present case. The third respondent had requested the filling of four posts of Packers and therefore, the first respondent had conducted the selection and sent the names of four persons for appointment. The third respondent has chosen to issue only two appointment orders. Under Sub Rule 7 of Rule 151 of the Tamil Nadu Co-Operative Societies Rules, the third respondent has to issue appointment order after receiving the proceedings of the first respondent. The same has not been done in the present case. The third respondent is bound to issue such an appointment and he cannot discriminate between the four persons, who were appointed and issue appointment orders only for two of the persons.

7. In view of the above discussion, there shall be a direction to the third respondent to issue an appointment order to the petitioner within a period of two (2) weeks from the date of receipt of a copy of this order and the petitioner shall be posted in any one of the fair price shop run by the third respondent-Society.

8. This writ petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Kmi
For Being Mentioned

12.02.2020

This Petition having been posted on this day 24.02.2020 "For Being Mentioned" in pursuance to the order of this Court dated 12.02.2020 and made herein in the presence of the above said Advocates, the Court made the following order:

Today, the above Writ Petitions have been posted before this Court under the caption "For Being Mentioned".

2. No further orders can be passed by this Court in the present Writ Petitions.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

kmi

To

1. The Joint Registrar/The Chairman,
District Recruitment Bureau,
Prambalur Region,
Perambalur District.
2. The Deputy Registrar of Co-Operative Societies,
Perambalur Circle,
Perambalur District.
3. The President,
R 1226 Kurumbalur Primary Agricultural
Cooperative Credit Society Ltd.,
Kurumbalur,
Perambalur Taluk & District.

+1 CC to Mr.M.S.Palaniswamy, Advocate sr 11861.
+1 CC to Govt. Pleader sr 11810.

WP.No.2053 of 2020

AD(CO)
SP(18/02/2020)
SP(16/03/2020)